

244 ALFRED NELSON

TOWN AND COUNTY.

BREVITIES.

There are 153 patients in the Asylum. Auction again to-night at Barnett's. The small boys have erected a new bath house up the river.

U. S. Marshal Corbett and Deputy Stern were in town yesterday.

Harry Norton and G. H. Morrison came up on the delayed train last night.

The President is having a good time at Willis Point, nine miles from Plattsburg, New York.

Lander has only sold seventeen of the 170 6 per cent. bonds it has for sale, and the seventeen were sold at 95 cents.

Dr. Southworth, dentist, will be at the Lake House Monday and Tuesday next, and thereafter the last week in each month.

Internal Revenue Collector Skillman came down from Virginia Thursday evening, and continued on to Eureka on the delayed train yesterday.

As National Bank Inspector it will be the duty of ex-Congressman Cassidy to look after the twenty-four banks in Colorado, Idaho, Utah, Montana, Nevada, California, Arizona and Oregon. The salary is \$4,000 per annum and expenses.

Marshal Corbett last night brought up from Wadsworth Jake Hamilton, an old man 74 years of age and a relic of the Mexican and Black Hawk wars, who is complained of by Agent Gibson for selling whisky to the Indians on the Reservation.

The Baker-Rives-Stone Democrats do not relish the manner in which Cassidy has raked in the spoils. Except in exceptional cases it will be a cold day when George gets left. Of the good things of his party he deserves as many as the rest of them for he has done valiant service in its behalf.

According to the census of 1880 Virginia had 10,917, Gold Hill, 4,531, Carson 4,229 and Eureka 4,207 inhabitants. These towns will be entitled to the new special delivery postal system. Reno to-day has a larger population than two of the places mentioned, but will have to possess its soul in patience, until Time makes all things even.

Railroad Accident.

The east-bound train due here yesterday morning did not arrive until half past seven last evening having been delayed by an accident which occurred at Tamarack, the other side of the Summit, where the main switch had been left or thrown open, causing the front portion of the train to run into the sheds, overturning both engines, wrecking two fruit cars, and scalding a fireman, by the name of Henderson, who died during the day. Three other employees were injured. None of the passengers were harmed.

Nervous Debilitated Men.

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Moving on Carson.

The Seventh Day Adventists from Reno have sent on their tents preparatory to the campmeeting in Carson. Their tents are now at Anderson's hay yard. The location of the camp has not yet been made known, and probably has not been selected.

Races.

Entries for the State Fair trotting races close September 1st. Horsemen should bear this in mind. Entries for the running races do not close until two days prior to the races as advertised.

was taken that the District Attorney was not entitled to the fee of \$50 which he claimed and obtained for services rendered in the conviction of George W. Ward who, it was claimed, was not convicted until sentence was passed by the Court. Ward is still in the county jail, and will probably never see the inside of the State Prison as a convict.

We propose now to show that even if Ward had been sentenced to the Penitentiary after his first trial, and was now serving his term in pursuance of such sentence, the District Attorney was not entitled under the law to receive a fee of \$50 for his services in the case.

Section 12 of an Act approved March 11, 1855, see Compiled Laws Vol. II, page 129, is as follows: "The District Attorney in addition to the yearly salary allowed by law, shall receive the following fees: For each conviction in capital cases, the sum of one hundred dollars; on conviction of any other felony, fifty dollars * * *." Had this Act been in force on the 1st day of January, 1885, this article would never have been written; but we propose to show that it was not in force, having been repealed in 1879.

An Act fixing the salaries of the various County officers in the several counties of the State, and other matters relating thereto, approved March 11, 1879, repealed all former Acts in relation to compensation of county officers, including the District Attorney of Elko county, whose salary was fixed by said Act at two thousand dollars per annum, "which shall be in full for all services and all ex-officio services required of (him) them."

This Act which is usually known as the "Salary Act" was repealed by the Legislature of 1883, and no mention is made of the District Attorney personally but his compensation is fixed by an Act fixing the salaries of certain county officers, approved March 7, which is as follows:

"SECTION 1.—The holder, of all county offices which were either salaried or partly salaried prior to the passage of an Act entitled 'An Act fixing the salaries of the various county officers in the several counties in this State and other matters relating thereto,' approved March eleventh, eighteen hundred and seventy-nine, shall be entitled to such salaries as their immediate respective predecessors received prior to the passage of the above-entitled Act, and such other compensation as shall be provided by law and in effect during the term for which such officer holds office."

SECTION 2.—This Act shall take effect and be in force on the first Monday in January, A. D., eighteen hundred and eighty-five.

Notice the language, "such salaries as their immediate respective predecessors received," not such compensation, not such fees and salaries, but such salaries, and "such other compensation as shall be provided by law," not such other compensation as has been provided by law, but as shall be, referring directly to future legislation which might effect the emoluments of the office. Now, when we ascertain what the salary of the District Attorney of Elko county was previous to January 1, 1881, then we know exactly what salary the District Attorney was entitled to during the first quarter of 1885.

We now turn to the statutes of 1877, page 184, and we find an Act approved March 5, 1877, which fixes the salary of the District Attorney of Elko county at "two thousand dollars, which shall be paid in four equal quarterly payments." This act remained in force until the 1st day of January, 1881, when it was superseded by the Salary Act of March 11, 1879, and establishes our proposition that for the first quarter of the year 1885 the District Attorney of Elko county was entitled to \$500, no more, no less.

By reference to the record of the proceedings of the Board of County Commissioners it will be seen that on the 6th day of April, 1885, this self-styled "People's Choice" presented a claim for \$500 for "salary as District Attorney for the first quarter of the year 1885," which was allowed and paid. This was perfectly right, just and in accordance with law, but on the same day he presented a claim for \$50 for the conviction of Ward which was allowed and paid, and which we claim was wrong, unjust and contrary to law; and we further claim that if he drew that \$50 from the County Treasury with the knowledge that he was not entitled to it by law, he should be impeached for malfeasance in office. We are willing, however, to give him the benefit of the doubt in believing that he actually thought he was entitled to the money when he put in his claim for it and when convinced that he was wrong, if he is honest in his professions of interest in securing an economical administration of the financial affairs of the county, he will walk up like a man and return the coin to the County Treasury.

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